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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/715,059 | 11/17/2003 | Dale W. Conkel | 119166.001012 (70-03-020) | 7026 |
| 38851 7590 05/23/2007 GARDERE/EDS GARDERE WYNNE SEWELL INTELLECTUAL PROPERTY 3000 THANKSGIVING TOWER 1601 ELM STREET DALLAS, TX 75201-4761 | | | EXAMINER ROBINSON, GRETA LEE | |
| | | | ART UNIT 2168 | PAPER NUMBER |
| | | | MAIL DATE 05/23/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/715,059 | Applicant(s) CONKEL, DALE W. | |
| | Examiner Greta L. Robinson | Art Unit 2168 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-13 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7, 9-13 and 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 3-7, 9-13 and 15-18 are pending in the present application.
2. Claims 2, 8 and 14 have been cancelled. Claims 1, 7, 10, 11, 12, 13, 16, 17 and 18 have been amended.

Drawings

3. The drawings were received on March 13, 2007. These drawings are acceptable.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1, 3-7, 9-13 and 15-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-18 appear to be geared to an abstract idea and do not present a concrete tangible result. For example, independent claim 1 recites "a method for monitoring a directory service ... scanning event logs ... responsive to a determination that an error is indicated ... consulting a knowledge base to determine if an entry is contained ... responsive to a determination that an entry for the error is contained within the knowledge base, determining corrective actions ... and determining whether the corrective actions are authorized ... responsive to a determination that the

Art Unit: 2168

corrective actions are authorized, committing the corrective actions". However the claim does not recite steps taken "if an error is not indicated by one of the event logs" and actions to be taken "if the corrective actions are not authorized"; therefore the claim does not present a tangible result. Independent claims 7 and 13 contain similar limitations and are therefore rejected under similar grounds. Claims 2-6, 8-12, and 14-18 are rejected based on dependency.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 6, 12 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding claims 6, 12 and 18 the limitation "preventing the component from functions properly" [note claim 6 lines 9-10; claim 12 lines 12-13; and claim 18 lines 12-13] does not appear to be described in the disclosure. Note the disclosure appears to teach corrective actions necessary to correct the identified error step 412, also note Figure 4 step 412. Figure 4 does not appear to disclose a step of preventing proper functioning of a component.

Art Unit: 2168

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1, 3-7, 9-13 and 15-18 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: a condition step or if/then procedure when an indication that an error is not indicated and a procedure or steps to be taken if authorization is not granted.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1, 3, 7, 9, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sachse et al. US Patent 6,985,901 B1 in view of Ganesh et al. US Patent 6,961,865 B1 and Barón et al. US Patent Application Publication No. 2006/0064486 A1.

Regarding claims 1, 7, and 13 **Sachse et al.** teaches “monitoring a directory service” [note: Figure 3 step (300) MONITORING A NETWORK FOR AN EVENT; col. 2 lines 10-33 The present invention provides for controlling the collection, manipulation and

storage of network performance data and network event data of a network with service assurance capabilities].

Sachse et al. provides for "scanning event logs for components and applications utilized by a directory service within a distributed data processing system" [note: Data Collection section at col. 13 line 26 through col. 14 line 14 a signal is transmitted in operation 502 to initiate the retrieving of network performance data and network event data generated from at least one network monitor ... controller program].

Sachse et al. does not explicitly disclose "determine if an entry for an error is contained within the knowledge base". However they do teach extracting data from a source system with an application program [Figure 11 (1100)] and configuring or setting triggering conditions based on monitoring [Figure 10]. **Ganesh et al.** teaches executing atomic transaction for performing a first operation of a first set of operations and in response to detecting a first error (i.e. checking for errors), a second set of operations are performed to resolve the first error. It is then determined whether a resolution of the first error is obtained in response to performing the second set of operations [note: abstract; Figure 2; col. 1 line 1-62; col. 2 lines 30-51; col. 6 lines 20 through col. 7 line 67 Errors can be detected in several ways]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Ganesh et al. with Sachse et al. because the recursive process taught by Ganesh et al. would allow transactions to be resumed after resolving an error indication.

Although Sachse et al. and Ganesh et al. teach the invention substantially as stated above, they do not teach responsive to a determination that the corrective action

Art Unit: 2168

is not authorized, paging support personnel. However, **Baron et al.** teaches real-time service monitoring automatically correcting and control system (SMS) in which *authorized personnel may be notified through pagers* [see: paragraph 0566 e-mail or short messaging notification. Components through email and short messaging typically sent to a pager, PDA or cell phone; also note paragraphs 0074 and 0082 early identification and potential service breaches]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Baron et al. with the cited references because a pager would provide a rapid resolution of the corrective actions [note: paragraph 0082 rapid resolution of corrective actions].

Regarding claims 3, 9, and 15 “determining corrective actions comprises consulting a table containing identified errors and associated corrective actions” [note: Ganesh et al. Figure 2 step (232) trigger operations to resolve error, and step (234) error resolved; also note trigger condition defined at time of software configuration col. 9 line 35-41; col. 10 lines 55-66].

Response to Arguments

12. Applicant's arguments filed March 13, 2007 have been fully considered but they are not persuasive.

In the response Applicant argued the following:

Argument 35 USC 101: Claim 1, outlines steps for determining whether an error occurred and implementing appropriate corrective actions when an error has occurred;

Art Unit: 2168

thus claim 1 does produce a tangible result, i.e. correcting errors that may occur in a directory service.

Response: In response to Applicant's argument the examiner respectfully maintains the rejection. The claim omits an operational procedure or limitation for if it is determined that an entry for an error is not contained within the knowledge base. Support for this element can be found in the flowchart of Figure 4 note step 406 "Error Found?". Also note steps 426 and 428 of Figure 4.

Argument 35 USC 112 first paragraph: Applicant states, the examiner has incorrectly read the claim limitation. Claim 6 should be read as the step of consulting a knowledge base to determine if an entry for the error is contained within the knowledge base when it has been determined that an error exists that prevents the component from functioning properly. Applicant cites page 12 lines 20-27 for support of this feature.

Response: The examiner has reviewed page 12 lines 20-27; however the cited passage does not discuss the concept of preventing a component from functioning properly; therefor the rejection is respectfully maintained.

Argument 35 USC 112 second paragraph: Claims 1, 7 and 13 have been amended to overcome the antecedent basis objection.

Response: Applicant's amendment overcomes the rejection cited under 35 USC 112 second paragraph antecedent basis; however the rejection for omitted elements are

Art Unit: 2168

respectfully maintained. Support for this feature can be found at least in Figure 4 step 406 "Error Found?". Also note steps 426 and 428 of Figure 4.

Argument 35 USC 103(a): Claims 1, 3, 7, 9, 13 and 15 were rejected under 35 USC 103(a) as being unpatentable over Sachse et al. in view of Ganesh et al.; however claims 1, 7 and 13 have been amended to include the limitation of claims 2, 8 and 14 therefor the rejection is moot.

Response: Note newly cited reference Baron et al. teaches the limitation of pager notification in a service monitoring system so as to rapidly resolve corrective actions see paragraphs 0074, 0082 and 0566.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Polnerow et al. US Patent 6,195,660

Conkel US Patent Application Publication No. 2005/0114401 A1

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2168

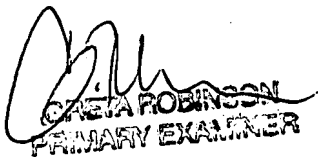
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (571)272-4118. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2168

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Greta Robinson
Primary Examiner

Greta Robinson
Primary Examiner
May 16, 2007